

ZB# 02-05

Mircea Digeratu

51-1-83.2

Prelim.

Jan. 28, 2002.

Amend NOD-
for Lot width also

Public Hearing:

March 11, 2002.

Granted 3
variances.

Approved: K. [unclear]

#02-05-Digerafu, Mircea

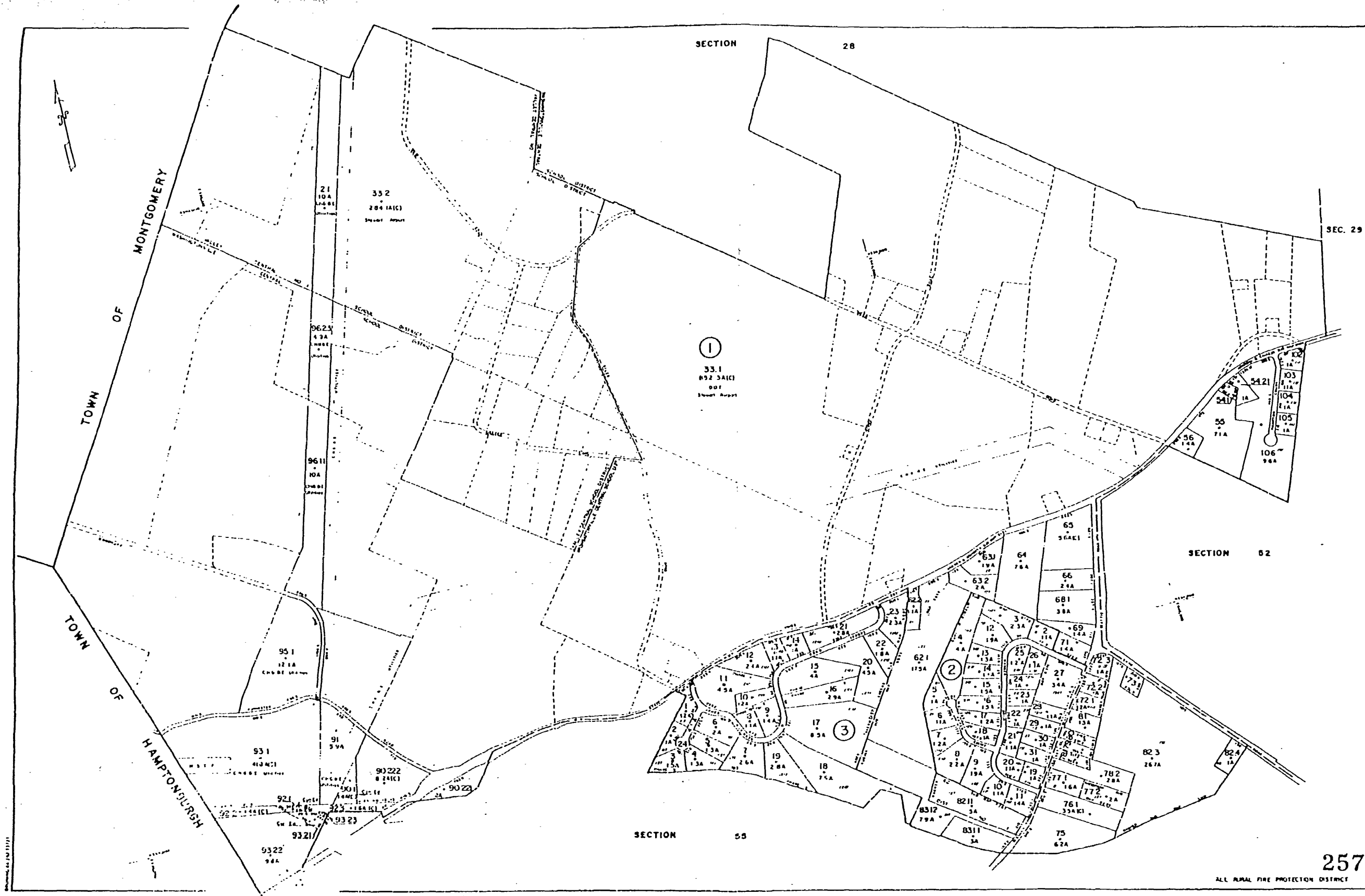
Area 51-1-83.12.







Fig 2-65 - Digezethu, 7/11/52
Area 51-1-83.13.



Prepared by
ORANGE CO. TAX MAP DEPT.
BAMM ST., GORHAM, N. Y. 10924
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
PROPERTY LINE	ADJACENT AREA	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
WATER LINE	WATER LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
STREET	STREET	AREA	STATE HIGHWAYS
RAILROAD	RAILROAD	BOUNDARY LINE	COUNTY HIGHWAYS
PROPERTY LINE	PROPERTY LINE	TOWN ROADS	TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 6-499,300 Date of Map 9-24-67
Date of Photo 3-1-65 Date of Revision 3-1-71
Scale 1" = 400'

TOWN OF NEW WINDSOR

Sheet No. 51

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Digiratu, Mircea

FILE# 02-06.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE.....\$ 50.00

*Paid 2/7/02 -
CK. # 1014*

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

*Paid 2/7/02 -
1013*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/28/02 5.....\$ 22.50
2ND PRELIMINARY- PER PAGE 3/11/02-9.....\$ 40.50
3RD PRELIMINARY- PER PAGE.....\$ _____
PUBLIC HEARING - PER PAGE.....\$ _____
PUBLIC HEARING (CONT'D) PER PAGE.....\$ _____
TOTAL.....\$ 63.00.

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 1/28/02.....\$ 35.00
2ND PRELIM. 3/11/02.....\$ 35.00
3RD PRELIM.....\$ _____
PUBLIC HEARING.....\$ _____
PUBLIC HEARING (CONT'D).....\$ _____
TOTAL.....\$ 70.00.

MISC. CHARGES:

.....\$ _____
TOTAL.....\$ 133.00.

LESS ESCROW DEPOSIT.....\$ 300.00
(ADDL. CHARGES DUE).....\$ _____
REFUND DUE TO APPLICANT..\$ 167.00.

Refund

Date 3/27/02

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Mircea Digeratu & Natali Digeratu DR.
241 Beattie Road, Rock Tavern, Ny 12575

[illegible]

Date 2-7-02 1013
 1-7707/2260
 Windsor \$ 300.00/100
 Federal Credit Union
 Banking for the
 Community
 Member # 2BA #0
 MICHAEL D. JEFFERS
 1:22602 30000562161 1013
 SECURITY FEATURES INCLUDED
 DETAILS ON BACK
 © LIBERTY

Date 2-7-02 1014
 1-7707/2260
 Windsor \$ 50.00
 Federal Credit Union
 Banking for the
 Community
 Member # 2BA #02-06
 MICHAEL D. JEFFERS
 1:22602 30000562161 1014
 SECURITY FEATURES INCLUDED
 DETAILS ON BACK
 © LIBERTY

ZBA #02-06

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#136-2002**

02/07/2002

**Digeratu, Natalie Roberson
241 Beattie Road
Rock Tavern, NY 12575**

**Received \$ 50.00 for Zoning Board Fees on 02/07/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

-----X
In the Matter of the Application of

MIRCEA DIGERATU

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#02-005
-----X

WHEREAS, MIRCEA DIGERATU, residing at 537 Beattie Road, Rock Tavern, N. Y. 12575, has made application before the Zoning Board of Appeals for a 73.5 ft. lot width, 18.5 ft. street frontage variance, plus variation of Section 48-14A to allow an existing structure to project closer to the road than principle structure. for construction of a single-family residence at the above location in an R-1 zone; and

WHEREAS, a public hearing was held on the 11th day of March, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application:
and

WHEREAS, there were four spectators appearing at the public hearing; and

WHEREAS, one spectator spoke in opposition and the other spectator spoke neither in favor or in opposition to the Application, but expressed some concerns about future drainage; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a garage built on a vacant parcel located in an R-1 zone.

(b) The lot is irregularly shaped.

- (c) This Applicant received in 1994 variances for front yard and road frontage. Since the granting of that variance the Town Zoning Law has been changed so that in order to build on that lot the Applicant would have to receive a lot width variance.
- (d) It appears that the garage has already been constructed and is in place and the garage will be closer to the road than the proposed dwelling. The Applicant, therefore, needs a variance to allow the garage to project closer to the road than the principle structure.
- (e) Neither the new location of the proposed dwelling nor existing garage interfere with the visibility to motorists on the adjacent road.
- (f) Neither the garage nor proposed dwelling are built on the top of any water or sewer easements, well or septic system.
- (g) The Applicant will begin construction of the dwelling within 18 months.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

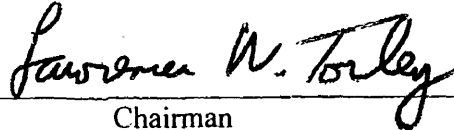
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variances requested in the introductory paragraph, at the above address, in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: May 13, 2002.


Chairman

Date 3/13/12

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553TO Frances Bell DR.
102 N. Derry Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/11/12		Zoning Board Mtg	75.00	
		Misc. 3		
		Mt. Airy Estates - 2		
		Coplan - 4		
		Potter - 3		
		Brown - 3		
		Cleaves/Cutt - 4		
		Digeratu - 9 22.50.		
		Dean - 1		
		Fidanza - 7		
		36	1102.00	
			<u>237.00</u>	

PUBLIC HEARING:

DIGERATU, MIRCEA

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter?

Mr. and Mrs. Digeratu appeared before the board for this proposal.

MR. TORLEY: You're on.

MR. DIGERATU: We want to build this house and we have once approved but we didn't start to build it on time so the variance expired.

MR. TORLEY: By the photographs appears to be a pond, is that on the property?

MR. DIGERATU: Yes.

MR. TORLEY: Where is he going to put the house?

MR. DIGERATU: Right here.

MR. TORLEY: Does that give us a wetlands issue with the pond?

MR. BABCOCK: They are not in the wetlands.

MR. TORLEY: Is there any, I want to make sure you're set, is there any issues about how far you can be off the wetlands for construction?

MR. BABCOCK: Depends on what the wetlands are, if they're DEC wetlands, there's different regulations.

MR. TORLEY: I see a picture of a pond, that's why I asked.

MR. BABCOCK: Right.

MR. TORLEY: This clearly meets the definition of a uniquely shaped lot.

MR. TORLEY: I don't know how that got through.

MR. KANE: Sooner or later, we've got to run out of these.

MR. REIS: Did you say that at one time you had a variance for this that was approved?

MR. DIGERATU: Yes.

MR. REIS: And the time has since lapsed, that's why you're here again?

MRS. DIGERATU: He had, before we were married, he had a variance.

MR. REIS: Can you tell us how long ago that was?

MR. BABCOCK: It was approved 8/8 of '94, according to my records. At that time, he received a front yard, a road frontage variance and as you gentlemen might remember at the preliminary meeting, Larry brought up the fact that he needs a lot width variance now also because the law has changed where the lot width is measured at the front yard setback, rather than the house line. So there's two variances requested tonight, where back in 1994, he only needed one, he built a garage, he built a garage on this property already, he has an existing garage.

MR. KANE: Building permit or C.O.?

MR. BABCOCK: I don't think it got closed out yet.

MR. TORLEY: You can't just have a garage there, has to be a dwelling, right?

MR. BABCOCK: What happened was he had come in and applied for the building permit to build the house and the garage and decided to build the garage first so he could use it for storage to build the house. And then for reasons unknown, never got to build the house. Now he's back ready to go.

MR. REIS: Should we incorporate into this process,

unless I can't tell from this where you intend to build the house?

MR. BABCOCK: I have a survey.

MR. TORLEY: We don't know whether it has DEC wetlands.

MR. BABCOCK: No, I'll have to have that checked. According to the survey, it's not but--

MR. TORLEY: It's a pretty good sized pond back there.

MR. BABCOCK: He's showing, the surveyor's showing that the septic system is 100 feet away from the edge of the pond.

MR. REIS: According to the applicant's comments, they have indicated, correct me if I'm wrong, I'm just trying to help you, that the garage is going to be in front of the dwelling?

MR. BABCOCK: Basically on the side there, is that where it wound up to be?

MR. DIGERATU: Right.

MR. REIS: The fact that it's forward of the front of the house, Mike, should we take care of that?

MR. BABCOCK: Well, what we call the front yard is measured here.

MR. KANE: That's the new law, so coming back here that's where they're doing the measurements.

MR. BABCOCK: I guess you could look at that either way, though.

MR. REIS: Isn't that an interpretation?

MR. KANE: You can see the garage on that, this one, you can't, there it is, it's over to the left.

MR. REIS: The fact that the garage is going to be in front of the dwelling.

MR. KANE: You might want to straighten that out.

MS. CORSETTI: Needs another variance.

MR. BABCOCK: But again--

MR. TORLEY: Protrudes closer than the primary structure.

MR. BABCOCK: Back in '94, that wasn't the case. Now, today, it says it can't project closer to the street than the principle building, that's correct, you're right, Mike.

MS. CORSETTI: That's 48-14 A.

MR. TORLEY: Can we add another variance at the public meeting?

MR. KANE: 48-14 A.

MS. CORSETTI: Yes.

MR. TORLEY: Is this taken from Beattie?

MR. DIGERATU: Yes.

MS. CORSETTI: Mike, are you going to add that on to the notice of disapproval?

MR. BABCOCK: Yes, I am.

MS. CORSETTI: Thanks.

MR. TORLEY: Mike, the existing garage meets all the setback requirements?

MR. BABCOCK: Yes, it's a detached garage, it's ten feet, Mr. Chairman.

MR. TORLEY: Do you have anymore questions before I open it up to the public? Okay, I'm going to open it up to the public now, please say your name again for the record.

MR. COFFEY: My name is John Coffey, I live at 3 Wagner Drive. Part of the reason I'm here is just to find out a little bit about where the proposed house is.

(Discussion was held off the record)

MR. KANE: Anybody have any comments affirmative or negative about this?

MR. COFFEY: I guess my concern is with all the recent construction over the past few years, another, you know, a variance, basically, this is creating, this is a flag lot, right, and it's something that we're trying to do away with and not have.

MR. KANE: We're not making a flag lot, this is existing as it is.

MR. COFFEY: So some of my questions are a lot of time's elapsed, you talked about the variance back in 1988 or so and now it's 2002 and just questions along those lines and is it appropriate now? Things have changed so much since that time, is it the right use of the property? Is it in line with the town's needs and does it really make sense at this point? And that's really what I want to say. I wish you luck.

MR. TORLEY: Obviously, this is a uniquely shaped lot to put it kindly, so are you opposed or in favor?

MR. COFFEY: I would say I would be opposed to it.

MS. CORSETTI: You're Mr. Coffey, right?

MR. COFFEY: Yes.

MR. TORLEY: Anyone else?

MR. MC NEIL: Tim McNeil, 7 Karen Court, I'm over here. My only comments are that about water, and there's a lot of water, standing water and ponds and there's a creek that runs onto your property and runoff from

Karen Court and Wagner Drive runs onto your property also and I just don't want to create any kind of water problem or water restriction because of any kind of, you know, development.

MRS. DIGERATU: The creek that you're speaking of runs in this area down to this pond.

MR. MC NEIL: Right, that's it. I'm just stating that we don't have a problem now, but I don't want to create something that could impact our situation. But all the water from those two streets, you know, he doesn't drain by the house, but it drains onto your property, I wouldn't want to have anything happen that would alter that.

MR. TORLEY: Your lot slopes down pretty steeply from the back.

MR. MC NEIL: Yes, but the storm drains leave the property at my house and go and follow the contour of the ground and that's onto your property, that's what I'm concerned about.

MR. KANE: Thank you.

MR. TORLEY: Anyone else wishing to speak? Are you satisfied now? In that case, I'll close the public hearing and open it back up to the members of the board.

MR. RIVERA: How many notices were sent out?

MS. CORSETTI: Thirty-one, according to this list and I'll tell you the date as soon as I find the piece of paper. I can't find it but 31 notices were sent out in a timely fashion.

MR. TORLEY: Gentlemen, this area in the back is all very, very wet, if you look at the shape of the other lots off James Wilkerson, all the houses are right next to the road because further back, it's all wet. So this area just is a drainage for the whole sector. You can see the size of the other lots. Now, if we grant you these variances, a variance is for area setbacks,

does not relieve you from any other part of the building code or sanitary code or anything like that, so just want to make you aware of that.

MRS. DIGERATU: All right.

MR. TORLEY: If these variances were granted, do you have some idea when this would be completed?

MRS. DIGERATU: Once we get the building permit, we're going to looking for--

MR. KANE: Speak up.

MRS. DIGERATU: Once the variances are done and we hope to within the next month or so start, you know, planning the construction.

MR. KANE: We had some concerns over the water going to that creek, how are you going to address that in any way when you build the house? Couple of the people in the audience, your neighbors had some concerns with the way the water flows to the back over here, you were showing where the creek is?

MRS. DIGERATU: That shouldn't be any change to that.

MR. TORLEY: These people are way down the hill. We just want you to go through because we don't want the variance to expire again because we may or may not be able to renew it. Gentlemen, do you have any other questions?

MR. REIS: No, sir.

MR. KANE: Again, what happened that let the other variance run out?

MRS. DIGERATU: He didn't realize that it would expire.

MR. DIGERATU: I didn't realize there was a limit.

MR. TORLEY: We don't want to be taking five years to build a house.

MRS. DIGERATU: No, it won't.

MR. TORLEY: Because during the construction time, it's always a hassle for neighbors, so we want to minimize that time. So you're anticipating you're saying the next few months?

MRS. DIGERATU: One of the requirements for completion, the banks that we talked to require completion within a year.

MR. KANE: Is it possible on the variance for us to put any kind of a time limit for completion of the structure on that?

MR. REIS: There is in the town.

MR. BABCOCK: There already is, it's 18 months.

MR. TORLEY: That's the kind of timeframe you're looking at?

MRS. DIGERATU: Yes.

MR. KRIEGER: I answered that without saying anything, it's the best kind of answer.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: With due respect to the neighbors' concerns, this 7.9 acre parcel, its best use is as a single family home, I make a motion that we grant the Digeratu family their requested variance at 537 Beattie Road.

MR. TORLEY: May I make a suggestion? Would you be willing to stipulate that this will be a one-family dwelling, not going to put another house back there?

MR. DIGERATU: That's one familiar.

MR. TORLEY: One family, a single family house on this property?

March 11, 2002

27

MR. DIGERATU: Yes, sir.

MR. KANE: Second that notation.

MS. CORSETTI: With the additional variance that they're asking for for Section 48-14 A, the garage projecting closer to the road than the principle structure.

MR. REIS: Thank you for reminding us.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

3/11/02 Public Hearing - Digerat Mircea #02-05

opposed. Name: JOHN COFFEY Address: 3 WAGNER DRIVE

Drainage
inquiry. Tim McNelly 7 KORN CT

no
Comment. Kim + Ron Lodico 75 James Wilkinson Rd
Rock Tavern, NY

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 14, 2002

Revised: January 29, 2002

APPLICANT: Mircea Digeratu
537 Beattie Rd
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 9, 2002

FOR : Building Permit – one family house

LOCATED AT: 537 Beattie Rd

ZONE: R-1 Sec/ Blk/ Lot: 51-1-83.12

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Insufficient Road Frontage
2. Insufficient Lot Width

3. 48-14A - to allow structure to project closer to the
street than principle building.


BUILDING INSPECTOR

PERMITTED 70Ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: H-6

MIN LOT AREA:

MIN LOT WIDTH: 125ft

51.5ft

73.5ft

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

51.5ft

18.5ft

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

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PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 9, 2002

FOR : Building Permit – one family house

LOCATED AT: 537 Beattie Rd

ZONE: R-1 Sec/ Blk/ Lot: 51-1-83.12

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Insufficient Road Frontage
2. Insufficient Lot Width
3. *

** Plus variation of Sec. 48-14A - garage
(3) in front of principle structure*


BUILDING INSPECTOR

PERMITTED 70Ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: H-6 Also Sec. 48-14 A

MIN LOT AREA:

MIN LOT WIDTH: 125ft

51.5ft

73.5ft

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

51.5ft

18.5ft

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

1 - 20A 12-11-95
SET UP FOR P/H
2 20A 1-22-95
DISAPPROVED

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 20, 1995

APPLICANT: MIRCEA DIEGERATU
241 BEATTIE ROAD
NEW WINDSOR, N.Y. 12553

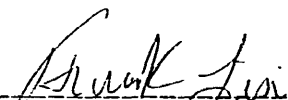
PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 20, 1995
FOR (BUILDING PERMIT): #7093
LOCATED AT: 241 BEATTIE ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION: 51, BLOCK: 1, LOT: 83.12
VACANT LAND WITH TWO (2) CAR GARAGE - PARTIAL CONSTRUCTION

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED CONVERSION OF
EXISTING TWO (2) CAR GARAGE TO A ONE (1) FAMILY HOUSE.

1. DOES NOT MEET MINIMUM REAR YARD SET-BACK.
2. DOES NOT MEET MINIMUM LIVABLE AREA


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1 USE		
REQ'D REAR YD. (G-6) 50FT.	10FT.	40FT.
REQ'D FRONTAGE		
MAX. BLDE. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA (K-6) 1200 SQ.FT.	960 SQ.FT.	240 SQ.FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 11-20-95

APPLICANT: MIRCEA DIGERATU
241 Beattie Rd
New Windsor NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 11-20-95
FOR (BUILDING PERMIT) #7093

LOCATED AT 241 Beattie Rd.

ZONE R-1

DESCRIPTION OF EXISTING SITE: SEC: 51 BLOCK: 1 LOT: 83.12

VAC LAND WITH ~~ONE~~ TWO CAR GARAGE
PARTIAL CONSTRUCTION

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED CONVERSION
OF EXISTING TWO CAR GARAGE TO A ONE FAMILY HOUSE

- ① Does NOT meet min REAR YARD SET BACK.
- ② Does NOT meet min LIVABLE AREA.

[Signature]
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>R-1</u>		
	USE <u>R-1</u>		
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD.	<u>44'5"</u>		
X REQ'D SIDE YD.	<u>(K-6) 44'5"</u>	<u>44'5"</u>	<u>240'</u>
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.	<u>(G-6) 50'</u>	<u>10'</u>	<u>40'</u>
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
X MIN. LIVABLE AREA	<u>(K-6) 1,200 sq ft</u>	<u>960 sq ft</u>	<u>240 sq ft</u>
DEV. COVERAGE	<u>110%</u>	<u>%</u>	<u>%</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:

[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

(914) 563-4630

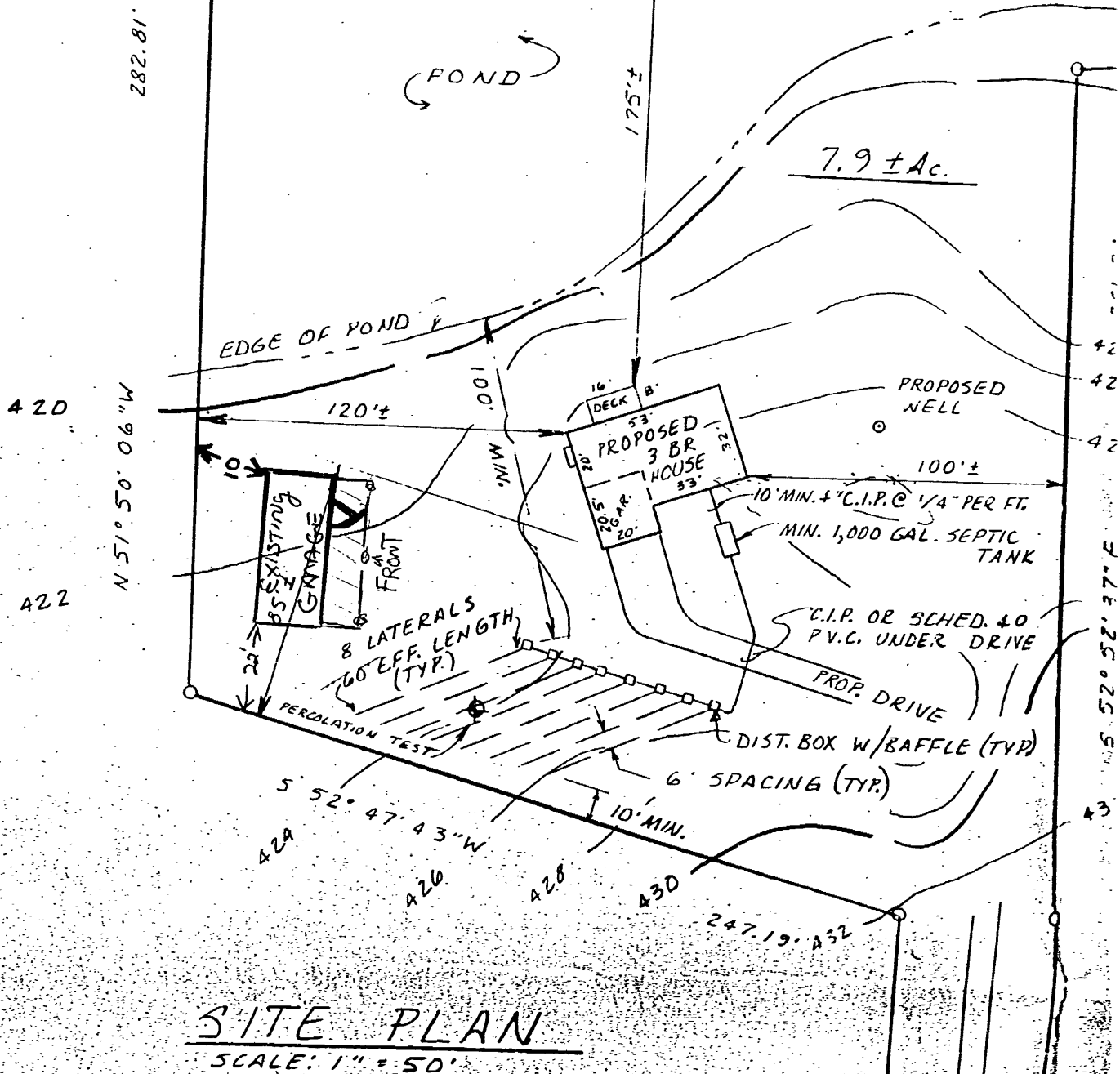
CC: Z.B.A., APPLICANT, S.P. FILE

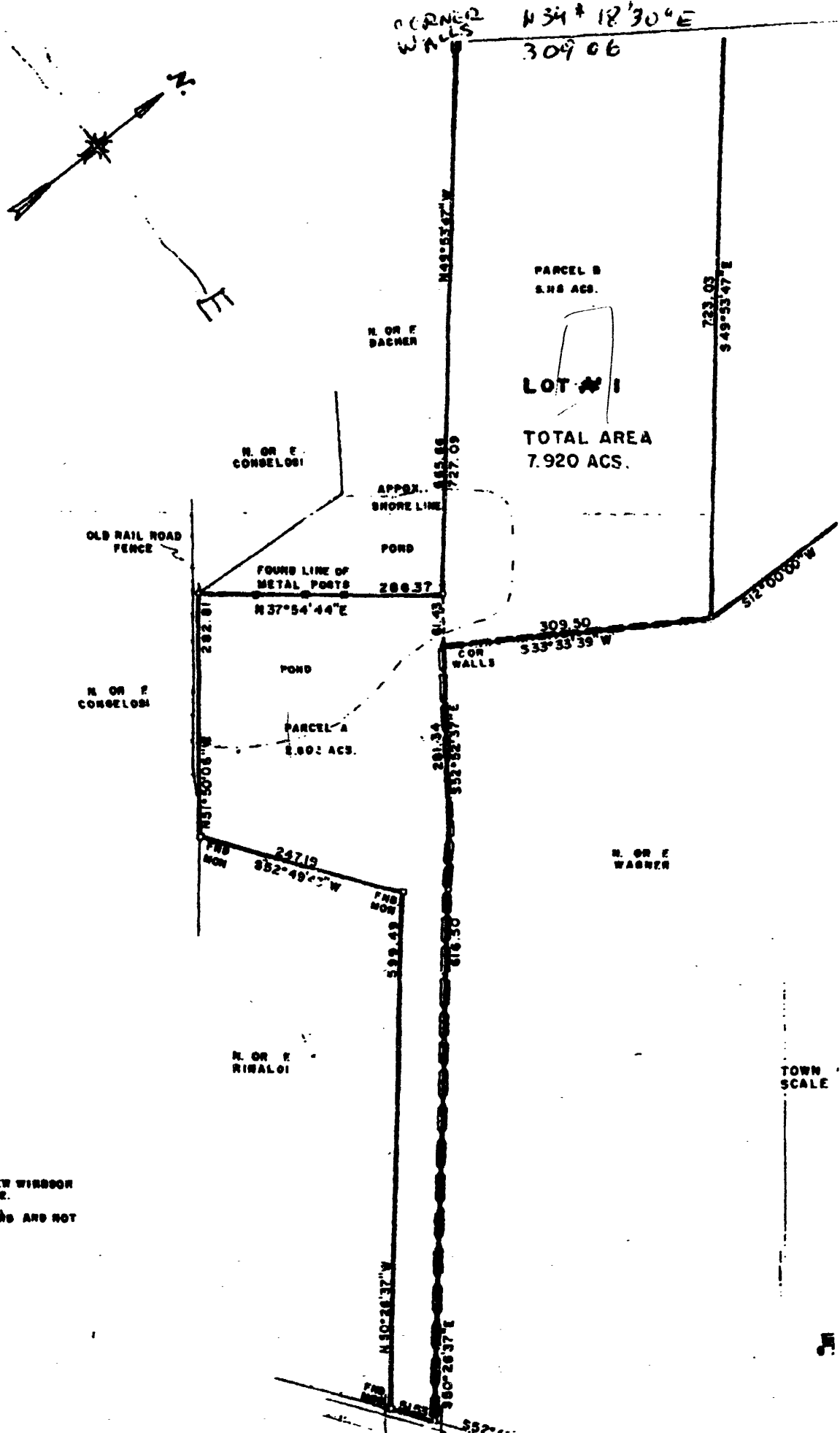
Being Lot No. 1 as shown on a map entitled "Subdivision for Aleck P. Kubina", said map having been filed in the Orange County Clerk's Office on 15 November 1979 as Map No. 5095.

N 37° 54' 44" E

286.37'

N 49° 53' 47" W





ION - TOWN OF NEW WINDOON
LOT 822 & 83.2.
IN NEED OF RECORDS AND NOT

TOWN
SCALE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

February 4th, 2002

31

Mircea Digeratu
537 Beattie Road
Rock Tavern, NY 12575

Re: 51-1-83.12

Dear Mircea Digeratu:

According to our records, the attached list of property owners are within five hundred(500) feet of the above referenced property.

The charge for this service is \$55.00. minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

51-1-62.12
Zev Wolf
P.O. Box 55
Rock Tavern, NY 12575

51-2-9
William & Majorie Byrnes
5 Wagner Drive
Rock Tavern, NY 12575

51-3-27
Ronald & Kim Lodico
75 James Wilkinson Road
Rock Tavern, NY 12575

51-1-75.1
Paul & Diane Sherman
542 Beattie Road
Rock Tavern, NY 12575

51-2-10
John Kathleen Coffey
3 Wagner Drive
Rock Tavern, NY 12575

51-3-28
Kerry Giglevitch
79 James Wilkinson Drive
Rock Tavern, NY 12575

51-1-75.2
Michael & Megan Perrow
550 Beattie Road
Rock Tavern, NY 12575

51-2-11
Robert & Linda Kean
1 Wagner Drive
Rock Tavern, NY 12575

55-1-31 55-1-33.222
R & C Mulligan Corp.
508 Beattie Road
Rock Tavern, NY 12575

51-1-75.3
Walter & Elizabeth Krupa
5 DeCamp Court
Stony Point, NY 10980

51-2-18
Archibald Austin & Ann Morris-Austin
2 Karen Court
Rock Tavern, NY 12575

55-1-32.1
Raymond & Carolynn Mulligan
387 Old Museum Road
Monroe, NY 10950

51-1-76.1
William Kelly
PO Box 346
Blooming Grove, NY 10914

51-2-19
Richard Worthington
2 Wagner Drive
Rock Tavern, NY 12575

55-1-32.2
Anthony & Edith Congelosi Jr.
PO Box 54
Rock Tavern, NY 12575

51-1-82.11
Gregory & Jennifer Mirecki
17 C Waterwheel Drive
Montgomery, NY 12549

51-2-20
Andrew & Carolan Morino
4 Wagner Drive
Rock Tavern, NY 12575

55-1-33.211
Richard & Barbara Baxter
511 Beattie Road
Rock Tavern, NY 12575

51-1-83.11
Stanley & Cynthia Cesark
531 Beattie Road
Rock Tavern, NY 12575

51-3-20
Michael & Maryann Rossi
21 James Wilkinson Road
Rock Tavern, NY 12575

55-1-33.212
Edward & Barbara Doherty
507 Beattie Road
Rock Tavern, NY 12575

51-2-5
Robert & Denise Vincini
9 Karen Court
Rock Tavern, NY 12575

51-3-25
Timothy & Sheila Toohey
61 James Wilkinson Road
Rock Tavern, NY 12575

55-1-33.221
John & Ann Flannery
519 Beattie Road
Rock Tavern, NY 12575

51-2-6
Timothy & Jeryl McNeilly
7 Karen Court
Rock Tavern, NY 12575

51-3-26.1
Anthony & Linda Bensetler
65 James Wilkinson Road
Rock Tavern, NY 12575

55-1-33.12
Michael & Donna Saraga
524 Beattie Road
Rock Tavern, NY 12575

51-2-7
Ronald & Kathleen Derevjanik
5 Karen Court
Rock Tavern, NY 12575

51-3-26.2
Michael & Marilyn Hernandez
71 James Wilkinson Road
Rock Tavern, NY 12575

55-1-33.13
Janis Errichetti
528 Beattie Road
Rock Tavern, NY 12575

55-1-33.223

Ronald & Tara Rigoli

532 Beattie Road

Rock Tavern, NY 12575

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-06
Date: 2/7/02

- I. Applicant Information: (917)319-7851 (CELL)-MIRCEA (212)869-8926 X323 (OFFICE)-NATALIE
- (a) MIRCEA DIGERATH AND NATALIE ROBERTSON DIGERATH 537 BEATTIE RD, ROCK TAVERN, NY 12575
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R1 537 BEATTIE RD, ROCK TAVERN 51-1-83.12 7.92 ACRES
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1978
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? YES
If so, when? JULY 1994
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of USE/BULK Regs., Col. D, H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width <u>125 FT.</u>	<u>51.5 FT</u>	<u>73.5 FT</u>
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*	<u>51.5 FT</u>	<u>18.5 FT</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

BY GRANTING OUR REQUEST FOR THESE VARIANCES, THERE WILL BE NO DETRIMENTAL EFFECTS ON THE HEALTH, SAFETY, WELFARE, OR PHYSICAL OR ENVIRONMENTAL CONDITIONS OF THE NEIGHBORHOOD OR COMMUNITY. WE PLAN TO PLANT GRASS AND FLOWERS IN THE CLEARED AREA ADJACENT TO BEATTIE ROAD. THE REMAINDER OF THE 51.53 FT X 599.49 FT CORRIDOR WILL BE KEPT IN ITS NATURAL STATE, WITH THE EXCEPTION OF THE AREA USED FOR THE FUTURE DRIVEWAY. A ONE-FAMILY DWELLING WILL BE BUILT OVER 700 FT FROM BEATTIE ROAD.
(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

AS STATED ABOVE, WE INTEND TO LANDSCAPE THE AREA ADJACENT TO BEATTIE ROAD. THE DRIVEWAY WILL BE PAVED. IN ADDITION, WE PLAN TO LIGHT THE DRIVEWAY USING OLD-FASHIONED LAMP POSTS. PLEASE NOTE THAT THE PROPOSED BUILDING SITE OF THE ONE-FAMILY DWELLING DOES MEET THE MINIMUM LOT WIDTH REQUIREMENT.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 2/20/02.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X. Andrew Dykster
(Applicant)

Sworn to before me this

20th day of February, 2002.
Patricia A. Corsetti

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2005.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 6

Request of Mircea Digeratu

for a VARIANCE of the Zoning Local Law to Permit:

Construction of single-family residence of less than
the allowable road frontage & lot width;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs Cols. D, H

for property situated as follows:

537 Beattie Road, Rock Tavern

known and designated as tax map Section 51, Blk. 1 Lot 83.12

PUBLIC HEARING will take place on the 7th day of March,
2002, at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

Date1/29/02.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

DATE			CLAIMED	ALI
1/28/02		Zoning Board Mtg	75.00	
		Misc. - 2		
		Blythe - 1		
		Digerata - 5		
		Hong - 3		
		Carlone - 3		
		Imryeland - 3		
		Bomaine -	103.50	
		Delaney - 3		
		23	178.50	

DIGERATU, MIRCEA

Mr. and Mrs. Digeratu appeared before the board for this proposal.

MR. TORLEY: Request for 18 ft. 7 in. road frontage to construct a single-family dwelling at 537 Beattie Road in an R-1 zone.

MR. DIGERATU: We want to build a house.

MR. BABCOCK: Maybe I can clear it up a little bit. Back in '94, they were here and they got a variance, the same exact variance they're asking for today, they built a garage to store the materials in and then never got to build the house. Now, they came back and are ready to build the house and their variance has expired.

MR. TORLEY: My recollection was they didn't get the variance.

MR. BABCOCK: According to my paperwork, they did, it was approved on 8/8/94.

MS. CORSETTI: I don't think so, Mike. What was it a variance for?

MR. BABCOCK: Same thing, road frontage, they got other variances or they applied for other variances.

MS. CORSETTI: Right, but they didn't get those from what I can recall.

MR. BABCOCK: They built a garage that they were going to store the material in and get that ready and then what they did they I guess they come up here on weekends and wanted to work on the house so they wanted to live in the garage. So they came here, we told them they can't live in the garage, they came here and on 1/22/95, you disapproved them to convert the garage to a one-family dwelling.

MR. TORLEY: But again, I didn't recall the road frontage being granted.

MR. BABCOCK: We have it on our records--

MR. TORLEY: My mistake.

MR. BABCOCK: --as being granted on 8/8/94.

MR. KANE: So they would, they were granted the road frontage variance, Mike?

MR. BABCOCK: That's correct.

MR. KANE: Why would that dissipate? It goes with the property, doesn't it?

MR. BABCOCK: They have to apply and receive a building permit within one year of your approval.

MR. KANE: I can see the building permit going out but the variance itself goes with the property, doesn't it?

MS. CORSETTI: It expires if they don't do anything, if they haven't started building within a year's time.

MR. BABCOCK: If they got a building permit, it would never expire.

MR. TORLEY: If they don't act on the variance, it expires.

MR. KANE: Okay, I stand corrected.

MR. TORLEY: Do you have any kind of plans or anything for the house?

MR. DIGERATU: For the house or the engineering plans?

MR. TORLEY: Either one?

MR. DIGERATU: Here's the engineering plans.

MR. BABCOCK: Overall, Mr. Chairman, it's 40 foot 6 inches by 53 foot, the house.

MR. TORLEY: We have these for your benefit and for

anybody else in the audience. By state law, all actions of the ZBA have to be done in a public hearing, we have these preliminary meetings so that you can get an understanding of what kind of questions we need to have answered before we can grant you a variance and vice versa, so no one is surprised at the public hearing, everybody comes in with an awareness of what's going to be going on. So, the only variance that you are requesting is the road frontage?

MR. BABCOCK: That's correct. According to the map, that's all he needs.

MR. TORLEY: This appears to meet all the area variances for side and rear yard, Mike? Again, my recollection is a little hazy, I thought the yard width was measured now as we changed, the law's changed, now measured at the house position, not at the setback point.

MR. BABCOCK: No, it measures at the setback point.

MR. TORLEY: So 50 feet back into the road this wouldn't meet the yard width requirements?

MR. KANE: What's that, the road?

MR. TORLEY: If my--

MR. KANE: The house itself you're talking about?

MR. TORLEY: The lot width requirement, road frontage and lot width, the road frontage is at the road, but the lot width was changed in the codes so it's now measured at the setback from the road, not at the house point, is that correct?

MR. BABCOCK: I'd have to read that section, it may say and/or.

MR. TORLEY: Would have to be most restrictive.

MR. BABCOCK: And I think you're right, I think you're correct.

MR. TORLEY: So, this would also require a lot width variance.

MR. BABCOCK: That's correct.

MR. TORLEY: So we have to amend the variance request to reflect that.

MR. BABCOCK: That's right.

MR. KANE: So we clear up everything once you're here.

MR. TORLEY: The code was written as a disincentive of such flag lots.

MR. KANE: Right.

MR. BABCOCK: Yeah, Mr. Chairman, I'll have to read you this paperwork and send it to Pat tomorrow.

MR. TORLEY: I may be mistaken.

MR. BABCOCK: No, I think you're absolutely right in the required lot width.

MR. TORLEY: They need a 75 foot lot width variance.

MR. BABCOCK: Or 76, right.

MR. KANE: But we'll have the exact numbers for a public hearing?

MR. BABCOCK: Yes.

MR. TORLEY: Do you have any other questions at this time? Accept a motion on this matter.

MR. MC DONALD: Make a motion that we set Mr. Digeratu up for a public hearing.

MR. KANE: Second it.

ROLL CALL

MR. KANE

AYE

January 28, 2002

7

MR. MCDONALD

AYE

MR. TORLEY

AYE

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

MIRCEA DIGERATU
TULIA P. DIGERATU
TO
MIRCEA DIGERATU

SECTION 51 BLOCK 1 LOT 83.12

RECORD AND RETURN TO:
(Name and Address)

Peter H. Botti Esq.
14 Bechtelown Ave
P.O. Box 378
Hudson, NY 10924

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 56591 DATE 5-12-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR20 Crawford
DP28 Deepark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highlands
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MI44 Mount Hope
NI46 Newburgh (T)
NW48 New Windsor
TU50 Tuxedo
WL52 Wallkill
WK54 Warwick
WA58 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO. _____
Mortgage Amount \$ _____
Exempt Yes _____ No _____
3-6 Cooking Units Yes _____ No _____
Received Tax on above Mortgage
Basic \$ _____
MTA \$ _____
Spec. Add. \$ _____
TOTAL \$ _____

CHECK ☐ CASH ☒ CHANGE ☐

MORTGAGE TAX \$ _____
TRANSFER TAX \$ EXEMPT.

ED. FUND \$ 5.00
RECORD. FEE \$ 17-
REPORT FORMS \$ 30-
CERT. COPIES \$ _____

JOAN A. MACCIII
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on JUN - 7 1994
at 2:32 O'Clock P M.
In Liber/Film 4055 and examined.
at page 214

RECEIVED
EXEMPT.
REAL ESTATE
JUN - 7 1994
TRANSFER TAX
ORANGE COUNTY

COUNTY OF ORANGE, SS:
I, _____ COUNTY CLERK AND CLERK OF THE SUPREME COURT, DO HEREBY CERTIFY THAT THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE IS A CORRECT TRANSCRIPT THEREOF. WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL.
Jan. 14, 2002
COUNTY CLERK & CLERK OF THE SUPREME COURT

LIPR4055 PAGE 214

ORG 06/07/94 02:32:09 26493 47.00
***** EDUCATION FUND: 5.00 *****
DEED CONTROL NO: 56591 .00 \$
***** SERIAL NUMBER: 007276 *****

THIS INDENTURE, made the 12 day of May, nineteen hundred and nineteen-four
BETWEEN MIRCEA DIGERATU, residing at 121-14 Linden Boulevard,
South Ozone Park, Queens County, New York 11420 and
TULIA DIGERATU, residing at 137-48 JUNIPER AVE
FLUSHING, N.Y. 11355

party of the first part, and

MIRCEA DIGERATU, residing at 121-14 Linden Boulevard,
South Ozone Park, Queens County, New York 11420

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN (\$10.00) DOLLARS-----dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or suc-
cessors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying

and being in the Town of New Windsor, County of Orange and State
of New York known and designated as Lot No. 1 as shown on
that certain map entitled "Subdivision for Aleck P. Kubina"
filed in the Orange County Clerk's Office on November 15,
1979 as map No. 5095 and more particularly bounded and described
as follows:

51 DIST.
1 SECTION
83.12 BLOCK
LOT

BEGINNING at a point on the Northwesterly boundary
of Beattie Road, where the same is intersected by the
Northeasterly boundary of lands now or formerly Rinaldi, said
point marked by a concrete monument found, and running thence
along lands of now or formerly Rinaldi the following two courses
and distances, 1) N50° 26' 37"W a distance of 599.49 feet
to a concrete monument found, 2) S52° 40' 43"W a distance
of 247.19 feet to a concrete monument found, thence along
lands of now or formerly Congelosi N51° 50' 06"W a distance
of 282.81 feet to a point, thence along lands of now or formerly
Bacher and following a line of metal fence posts N37° 54'
44"E a distance of 286.37 feet to a point, thence along the
same N49° 53' 47"W a distance of 665.66 feet to a corner of
stone walls, thence along the same and following a stone wall
N34° 18' 30"E a distance of 309.06 feet to a point, thence
through lands of Kubina S49° 53' 47"E a distance of 723.03
feet to a point in a stone wall, thence along lands of now
or formerly Wagner and following a stone wall the following
three courses and distances, 1) S33° 33' 39"W a distance of
309.50 feet to a corner of stone walls, 2) S52° 52' 37"E a
distance of 281.34 feet to a point, 3) S50° 26' 37"E a distance
of 616.50 feet to a point, thence along the first mentioned
northwesterly boundary of Beattie Road S52° 49' 43"W a distance
of 51.53 feet to the point of beginning containing 7.920 acres.

BEING A PORTION of the first parcel described in
deed dated July 8th, 1958, made by Irene L. MacDowell to Aleck
P. Kubina and recorded in the Orange County Clerk's Office

10114055 PAGE 215

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premise herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

x Mircea Digeratu
MIRCEA DIGERATU

x Tulia Digeratu
TULIA DIGERATU

STATE OF NEW YORK, COUNTY OF *QUEENS* ss.:

On the *21* day of *MAY* 1994, before me personally came Mircea Digeratu

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public

ROBERT NAGY
Notary Public, State of New York
Registration - 4893447
Qualified in Nassau & Queens Counties
Commission Expires June 28, 1995

STATE OF NEW YORK, COUNTY OF *QUEENS* ss.:

On the *21* day of *MAY* 1994, before me personally came Tula Digeratu

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Notary Public

ROBERT NAGY
Notary Public, State of New York
Registration - 4893447
Qualified in Nassau & Queens Counties
Commission Expires June 28, 1995

STATE OF NEW YORK, COUNTY OF

ss.:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss.:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

say that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Mortgage and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

MIRCEA DIGERATU and TULA DIGERATU

SECTION 51
BLOCK 1
LOT 83.12
COUNTY OR TOWN NEW Windsor

TO

MIRCEA DIGERATU

Recorded At Request of American Title Insurance Company
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK STATE LAND TITLE ASSESS.

Endorsed by



American Title Insurance Company
Northeast Region

Terrence P. Seeley, Esq.
Law Office of Peter G. Botti
P. O. Box 388
Goshen, NY 10924

By No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

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on July 8th, 1958, in Liber 1467 of Deeds at Page 511.

BEING and intended to be the same parcel described in a deed dated December 3rd, 1979, from Aleck P. Kubina to Mircea Digeratu and Tulia Digeratu recorded in the Orange County Clerk's Office on December 11th, 1979, in Liber 2151 of Deeds at Page 880.